Exhibit 1

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
McALLEN DIVISION

AMALIA RAMIREZ CASTELANO, *et al.*, on their own behalf, and on behalf of all others similarly situated,	)	CA M-08-057
PLAINTIFFS-PETITIONERS,	)	(Class Action)
v.	)	
HILLARY CLINTON, Secretary of State, *et al.*,	)	
DEFENDANTS-RESPONDENTS.	)	

DECLARATION OF ADAM K. LEVIN IN SUPPORT OF UNOPPOSED MOTION TO APPROVE ATTORNEYS' FEES AND EXPENSES PURSUANT TO THE TERMS OF THE STIPULATION AND AGREEMENT

I, ADAM K. LEVIN, hereby declare under penalty of perjury pursuant to 28 U.S.C. § 1746, that the following is true and correct:

1. I am a partner at Hogan & Hartson LLP ("Hogan & Hartson") in Washington, D.C. I have been admitted *pro hac vice* in this Court.

2. Hogan & Hartson, Lisa S. Brodyaga, Esq. on behalf of Refugio del Rio Grande, and the American Civil Liberties Union National Office and the American Civil Liberties Union of Texas (collectively, "the ACLU") serve as proposed Class Counsel in the above-captioned matter.

3. Attorneys from Hogan & Hartson regularly handle complex civil litigation and civil rights cases. Hogan & Hartson is a well-known and well-regarded law firm that has been a fixture in the Washington, D.C. legal community and the Washington, D.C. *pro bono* legal community in particular. Hogan & Hartson combines the resources of an international law firm with the commitment of firm lawyers who are devoted to public interest work.

4. Lisa S. Brodyaga is a member of the Bar of this Court and a volunteer attorney for Refugio del Rio Grande, a non-profit organization dedicated to the protection of immigrants' rights. Ms. Brodyaga has spent more than twenty-five years litigating on behalf of immigrants. She has been certified by the Texas Board of Legal Specialization since 1981 in the field of immigration and nationality law and has earned national recognition for her work on behalf of immigrants, receiving awards from, among others, the American Immigration Lawyers Association, the National Lawyers Guild, and the Lexis-Nexis Daniel Levy Memorial Award.

5. The ACLU is the nation's leading advocate of constitutional and civil rights. The ACLU litigates civil rights cases related to access to justice, criminal justice, and immigration rights and brings impact lawsuits in state and federal courts throughout the country, cases designed to have a significant and wide-reaching effect on communities of color.

6. I am familiar with the work performed by Class Counsel and the expenses incurred by Class Counsel in this matter.

OVERVIEW OF THE LEGAL WORK CLASS COUNSEL PERFORMED IN THIS CASE

7. I, along with the other Class Counsel, filed a second amended complaint on September 16, 2008 on behalf of Plaintiffs and the class alleging that the U.S. Department of State (the "Department") engaged in a policy, pattern, and practice of categorically applying heightened scrutiny to a class of passport applicants whose births, or whose parents' births, in Southwestern border states were attended by midwives or birth attendants. *See* Sec. Am. Compl. ¶ 5. Based on these and other allegations, Plaintiffs asserted claims under the Fifth Amendment for violations of due process and equal protection, the Administrative Procedure Act, 28 U.S.C. § 1361, and 28 U.S.C. §§ 2201-2. *See id.* ¶¶ 196-211. Plaintiffs sought declaratory, injunctive,

and mandamus relief on behalf of themselves and a proposed class. *See id.* at 53-54 (Prayer for Relief).

8. This case presented questions of constitutional and administrative law that necessitated extensive research, analysis, and preparation. Class counsel interviewed dozens of potential class members and conducted factual research. Class Counsel additionally devoted resources to assessing the strengths and weaknesses of the case prior to and after filing the complaints and in preparing the amended complaints. Class Counsel also prepared legal memoranda on various issues pertinent to the litigation.

9. Class Counsel also engaged in motion practice during the course of the case. Specifically, Class Counsel drafted an opposition to defendants' partial motion to dismiss and other related filings. Class Counsel also prepared a motion for preliminary injunction. This motion did not need to be filed because of the settlement. Both efforts entailed significant legal research and drafting.

10. As part of the case, Class Counsel actively continued its factual investigation, communicating with the named Plaintiffs and potential class members. Class Counsel established a hotline and e-mail address to identify potential class members. Class Counsel made significant resources available to interview and follow up with potential class members who contacted the hotline or sent an e-mail.

11. During the litigation, the parties engaged in discovery. Class Counsel drafted and responded to sets of interrogatories, requests for production, and requests for admission. As part of discovery, Class Counsel dealt with various discovery disputes, including the applicability of asserted government privileges, such as the law enforcement privilege and the deliberative

process privilege. Class counsel conferred with named Plaintiffs regarding the discovery responses and began to prepare them for depositions.

12. Class Counsel also spent time on other tasks common to complex litigation, including time devoted to case management and corresponding and coordinating with co-counsel and defense counsel.

13. Finally, Class Counsel prepared for and participated in extensive negotiations that led to the settlement agreement submitted to the Court. These negotiations were conducted over several months, and involved a number of lengthy in-person and telephonic discussions with counsel for the defendants. As part of this work, Class Counsel prepared and reviewed the notices and other documents to be sent to class members as well.

14. Class Counsel anticipates expending additional expenses, effort, and time in the future in carrying out and effecting the terms of the Stipulation and Agreement of Settlement and Release.

15. Based on a review of the firm's records of work in this case, Hogan & Hartson has spent approximately 2,635 total hours working on this case and litigating the class claims.

16. Based on a review of Ms. Brodyaga records of work in this case, Ms. Brodyaga has informed me that she spent approximately 260 total hours working on this case and litigating the class claims.

17. Based on a review of the ACLU's records of work in this case, the ACLU has informed me that it spent approximately 1,174 total hours working on this case and litigating the class claims.

18. I believe that the hours incurred in this case were reasonable. Class Counsel was required to devote extensive resources to conduct much of this work in a short time frame, given

the Western Hemisphere Travel Initiative (WHTI). The WHTI deadline made the swift resolution of the case—whether by trial or settlement—particularly compelling and required sufficient resources to get the case in a position where resolution would be possible.

19. Class Counsel incurred all fees and costs out-of-pocket, with no guarantee of any recovery. These financial resources could have been used to subsidize other worthy cases.

THE SETTLEMENT

20. After months of extensive settlement discussions, the parties negotiated a settlement agreement that would dispose of the action. Based on my experience and knowledge of the case, I believe the settlement is fair and just for the class.

21. Because of counsel's efforts, further expense in prolonging and completing litigation was avoided in favor of an amicable resolution.

I declare under penalty of perjury that the foregoing is true and correct to the best of my personal knowledge.

Adam K. Levin

Executed on July 6, 2009.